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WARE FRESSOLA VAN DER SLUYS &
ADOLPHSON, LLP
BRADFORD GREEN BUILDING 5
755 MAIN STREET, P O BOX 224
MONROE, CT 06468

EXAMINER

PERSINO, RAYMOND B

ART UNIT	PAPER NUMBER
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2682

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DATE MAILED: 05/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/066,331

Applicant(s)

KAARESOJA ET AL.

Examiner

Raymond B. Persino

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5 & 6</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5 and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by HIRAI et al (GB 2,333,209 A).

Regarding claims 1, 8 and 9, HIRAI et al discloses an apparatus, comprising: a) means (17 of figure 1) for producing a tactile sensation for a user of the apparatus in response to a control signal; and b) a control means (10/19 of figure 1), responsive to a tactile sensation pattern signal and responsive to an instructions signal for instructing how to interpret a tactile sensation pattern, for providing the control signal; wherein the tactile sensation is expressive of information intended to be communicated to the user of the apparatus and exclusive of information indicating a call is waiting to be answered (see paragraphs 16-20).

Regarding claim 2, see the rejection of the parent claim concerning the subject matter this claim depends from. HIRAI et al further discloses means for providing the instructions on how to interpret a tactile sensation pattern (see paragraphs 16-20).

Regarding claim 3, see the rejection of the parent claim concerning the subject matter this claim depends from. HIRAI et al further discloses means for creating a tactile sensation pattern and at least temporarily storing the tactile sensation (see paragraphs 16-20).

Regarding claim 4, see the rejection of the parent claim concerning the subject matter this claim depends from. HIRAI et al further discloses that the means for creating a tactile sensation includes: a) means for composing and editing a tactile sensation; b) a data store for storing a plurality of tactile sensation patterns; and c) means for selecting a tactile sensation pattern from the data store (see paragraphs 16-20).

Regarding claim 5, see the rejection of the parent claim concerning the subject matter this claim depends from. HIRAI et al further discloses that the means for creating a tactile sensation includes: a) means for downloading and editing a tactile sensation; b) a data store for storing a plurality of tactile sensation patterns; and c) means for selecting a tactile sensation pattern from the data store (see paragraphs 16-20).

Regarding claim 10, HIRAI et al further discloses a method for use by a wireless terminal, comprising: a) a step, responsive to a tactile sensation pattern and responsive to instructions on how to interpret a tactile sensation pattern, of providing a control

signal; and b) a step, responsive to the control signal, of producing a tactile sensation sensible to a user of the mobile phone; wherein the tactile sensation is expressive of information intended to be communicated to the user of the apparatus and exclusive of information indicating a call is waiting to be answered (see paragraphs 16-20).

3. Claims 1-5 and 8-10 are rejected under 35 U.S.C. 102(e) as being anticipated by TSUKAMOTO (US 2001/0044328 A1).

Regarding claims 1, 8 and 9, TSUKAMOTO discloses an apparatus, comprising:
a) means (12 of figure 1) for producing a tactile sensation for a user of the apparatus in response to a control signal; and b) a control means (11 of figure 1), responsive to a tactile sensation pattern signal and responsive to an instructions signal for instructing how to interpret a tactile sensation pattern, for providing the control signal; wherein the tactile sensation is expressive of information intended to be communicated to the user of the apparatus and exclusive of information indicating a call is waiting to be answered (see page 8 lines 5-24).

Regarding claim 2, see the rejection of the parent claim concerning the subject matter this claim depends from. TSUKAMOTO further discloses means for providing the instructions on how to interpret a tactile sensation pattern (see page 8 lines 5-24).

Regarding claim 3, see the rejection of the parent claim concerning the subject matter this claim depends from. TSUKAMOTO further discloses means for creating a tactile sensation pattern and at least temporarily storing the tactile sensation (see page 8 lines 5-24).

Regarding claim 4, see the rejection of the parent claim concerning the subject matter this claim depends from. TSUKAMOTO further discloses that the means for creating a tactile sensation includes: a) means for composing and editing a tactile sensation; b) a data store for storing a plurality of tactile sensation patterns; and c) means for selecting a tactile sensation pattern from the data store (see page 8 lines 5-24).

Regarding claim 5, see the rejection of the parent claim concerning the subject matter this claim depends from. TSUKAMOTO further discloses that the means for creating a tactile sensation includes: a) means for downloading and editing a tactile sensation; b) a data store for storing a plurality of tactile sensation patterns; and c) means for selecting a tactile sensation pattern from the data store (see page 8 lines 5-24).

Regarding claim 10, TSUKAMOTO further discloses a method for use by a wireless terminal, comprising: a) a step, responsive to a tactile sensation pattern and responsive to instructions on how to interpret a tactile sensation pattern, of providing a control signal; and b) a step, responsive to the control signal, of producing a tactile sensation sensible to a user of the mobile phone; wherein the tactile sensation is expressive of information intended to be communicated to the user of the apparatus and exclusive of information indicating a call is waiting to be answered (see page 8 lines 5-24).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over HIRAI et al (GB 2,333,209 A) or TSUKAMOTO (US 2001/0044328 A1) in view of an examiner's official notice.

Regarding claim 5, see the rejection of the parent claim concerning the subject matter this claim depends from. However, the prior art cited in the rejection of the parent claim does not explicitly disclose that the means for producing a tactile sensation is selected from the group consisting of: an eccentric electric motor, an intermittent source of air flow, an electric signal, a razor-type linear vibrator, a solenoid, a piezoelectric material, means for shaking a component of the apparatus, means for sliding back and forth a component of the apparatus, means for opening and closing a flip of the apparatus, and means for moving a sliding component back and forth. Nevertheless the examiner takes official notice that it was well known at the time the invention was made for means for producing a tactile sensation to be one of: an eccentric electric motor, an intermittent source of air flow, an electric signal, a razor-type linear vibrator, a solenoid, a piezoelectric material, means for shaking a component of the apparatus, means for sliding back and forth a component of the apparatus, means for opening and closing a flip of the apparatus, and means for moving a sliding

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component back and forth. Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made for a means for producing a tactile sensation to be one of: an eccentric electric motor, an intermittent source of air flow, an electric signal, a razor-type linear vibrator, a solenoid, a piezoelectric material, means for shaking a component of the apparatus, means for sliding back and forth a component of the apparatus, means for opening and closing a flip of the apparatus, and means for moving a sliding component back and forth. In order for one to practice the prior art cited in the rejection of the parent claim one would need to obtain a prior art means for producing a tactile sensation. Thus one would chose one of the prior art means for producing a tactile sensation. The choice on a particular one would be a routine engineering decision predicated on cost availability and size.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over HIRAI et al (GB 2,333,209 A) or TSUKAMOTO (US 2001/0044328 A1) in view of WANDERLICH (US 6,028,531 A).

Regarding claim 7, see the rejection of the parent claim concerning the subject matter this claim depends from. However, the prior art cited in the rejection of the parent claim does not explicitly disclose that the means for producing a tactile sensation is electrically coupled to the control means but is physically attached to the user of the apparatus. WANDERLICH discloses that the means for producing a tactile sensation is electrically coupled to the control means but is physically attached to the user of the apparatus (see figures 1 or 5). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made for the means for producing a

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tactile sensation to be electrically coupled to the control means but physically attached to the user of the apparatus. It is beneficial to physically attach to the user of the apparatus the means for producing a tactile sensation because the user would then better be able to feel the tactile sensations.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. HAJIANPOUR (US 5,575,761 A)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond B. Persino whose telephone number is (703) 308-7528. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian C. Chin can be reached on (703) 308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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Raymond B. Persino *RP*
Examiner
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RP


LEE NGUYEN
PRIMARY EXAMINER